

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
Plaintiff,) Criminal Action
)
v.) 04-_____
)
RONALD A. AUSBERRY,)
SABRINA AUSBERRY,)
ANTOINE D. BROWN,)
STEFAN M. CARTY,)
JOHN W. COOPER,)
DONNA L. COOPER,)
MICHAEL HARPER,)
ERIC A. HERNANDEZ,)
HAZRA KISHUN,)
WAKAM G. STAMM, and)
MAX H. THOMAS,)
)
Defendants.)
_____)

INDICTMENT

The Grand Jury Charges:

BACKGROUND

1. In calendar years 2002, 2003 and 2004, Ronald A. Ausberry, was enlisted in the United States Army. During 2002, Ronald A. Ausberry was stationed at Ft. Riley, Kansas, as a “pharmacy tech”, with the post pharmacy. In late 2002, Ronald A. Ausberry was transferred to Ft. Lee Virginia, and was

assigned to the post pharmacy as a “pharmacy tech”.

2. At all material times hereto, Sabrina Ausberry was married to Ronald A. Ausberry.

3. In calendar year 2002 Antoine D. Brown was enlisted in the United States Army and was stationed at Fort Polk, Louisiana. He was assigned to the post pharmacy as a “pharmacy tech”.

4. In calendar year 2002, 2003, and 2004 Stephan M. Carty was enlisted in the United States Army and was stationed at Walter Reed Hospital. He was assigned to the pharmacy as a “pharmacy tech”.

5. In calendar year 2002, 2003, and 2004 John Cooper was enlisted in the United States Army and was stationed at Ft. Knox, Kentucky. He was assigned to the post pharmacy as a “pharmacy tech”.

6. At all material times hereto, Donna Cooper was married to John W. Cooper.

7. In calendar years 2002 and 2003, Michael Harper was enlisted in the United States Army and was stationed at Fort Gordon, Georgia. He was assigned to the post pharmacy as a “pharmacy tech”.

8. In calendar years 2002, 2003 and 2004, Eric A. Hernandez was enlisted in the United States Army and was stationed at Ft. Riley, Kansas. He was assigned

to the post pharmacy as a “pharmacy tech”.

9. In calendar years 2002, 2003, and 2004, Hazra Kishun was enlisted in the United States Army and was stationed at Ft. Riley, Kansas. She was assigned to the post pharmacy as a “pharmacy tech”.

10. In calendar years 2002, 2003, and 2004 Wakam Stamm was enlisted in the United States Army and was stationed in Ft. Polk, Louisiana. He was assigned to the post pharmacy as a “pharmacy tech”.

11. In calendar years 2002, 2003 and 2004, Max H. Thomas was enlisted in the United States Army and stationed at Ft. Riley, Kansas. He was assigned to the post pharmacy as a “pharmacy tech”.

COUNT ONE
CONSPIRACY

12. Beginning 2002 and continuing through the 18th day of February, 2004, in the District of Kansas and elsewhere, the defendants,

RONALD A. AUSBERRY, SABRINA AUSBERRY,
ANTOINE BROWN, STEFAN A. CARTY, JOHN W. COOPER,
DONNA COOPER, MICHAEL HARPER, ERIC A. HERNANDEZ,
HAZRA KISHUN, WAKAM A. STAMM, MAX H. THOMAS,
and others known and unknown to the Grand Jury,

did knowingly and willfully conspire and agree to commit an offense against the United States, that is, the defendants agreed to transport, transmit or transfer in

interstate commerce goods or merchandise with a value of \$5,000.00 or more, knowing same to have been stolen, converted or taken by fraud.

MANNER AND MEANS OF THE CONSPIRACY

13. It was part of the conspiracy that defendants Ronald A. Ausberry, Antoine Brown, Stefan Carty, John H. Cooper, Michael Harper, Eric A. Hernandez, Hazra Kishun, Wakam Stamm, Max H. Thomas, and others both known and unknown, would steal insulin and insulin test strips from military post pharmacies and then these same defendants would mail, by common carrier, the stolen goods and merchandise, from their respective military post to either Ronald A. Ausberry, at Ft. Riley, Kansas, or a co-conspirator in Tuscon, Arizona.

14. After receipt of the stolen insulin or insulin test strips, Defendant Ronald Ausberry and the Arizona co-conspirator would ship, via interstate commerce , the stolen insulin and insulin strips to co-conspirators in the State of Florida and elsewhere.

OVERT ACTS

15. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the District of Kansas and elsewhere:

a. During 2002, the exact dates being unknown to the Grand Jury, while

stationed at Ft. Riley, Kansas, Defendant Ausberry recruited Defendants Antoine Brown, Stephan Carty, John Cooper, Michael Harper, Eric Hernandez, Hazra Kishun, Wakam Stamm, and Max Thomas into a scheme by which defendants Ausberry, Brown, Carty, John Cooper, Harper, Hernandez, Kishun, Stamm and Max Thomas would steal insulin and insulin strips from the military post pharmacies to which said defendants were assigned and then cause the stolen merchandise to be transported to Defendant Ausberry.

b. Defendant Ausberry would then cause the stolen merchandise to be transported, through interstate commerce, from Ft. Riley, Kansas, to individuals in the State of Florida and elsewhere.

c. In the fall of 2002 Defendant Ausberry recruited a co-conspirator in Tucson, Arizona to participate in the scheme to transport stolen property in interstate commerce and the Arizona co-conspirator agreed to receive said property at his residence in Tucson, Arizona, and then cause the stolen property to be transported, via interstate commerce, to individuals in the State of Florida and elsewhere, as well as make monetary payments to the members of the conspiracy.

d. During 2003 Defendants, Stephan Carty, John Cooper, Michael Harper, Eric Hernandez, Hazra Kishun, Wakam Stamm and Max Thomas continued to steal insulin and insulin strips from military post pharmacies and ship the stolen

property in interstate commerce to the Arizona co-conspirator and who would then cause the stolen items to be transported from Tucson, Arizona to individuals in Florida and elsewhere.

e. During 2003, Donna Cooper knowingly joined the conspiracy to transport stolen property in interstate commerce, by personally packaging and causing stolen insulin and insulin test strips to be shipped from Ft. Knox, Kentucky to a co-conspirator, in Tucson, Arizona.

f. Sabrina Ausberry, knowingly joined the conspiracy in 2003. Sabrina Ausberry agreed to allow the co-conspirator in Tucson, Arizona, to deposit money from the sale of the stolen insulin and insulin test strips into her personal bank account. This money was then used for the personal benefit of Sabrina Ausberry and Ronald Ausberry.

In violation to Title 18, United States Code, §§371 and 2314.

COUNT TWO
CONSPIRACY

16. Beginning 2002 and continuing through the 18th day of February, 2004, in the District of Kansas and elsewhere, the defendants,

RONALD A. AUSBERRY, SABRINA AUSBERRY,
ANTOINE BROWN, STEFAN A. CARTY, JOHN W. COOPER,
DONNA COOPER, MICHAEL HARPER, ERIC A. HERNANDEZ,
HAZRA KISHUN, WAKAM A. STAMM, MAX H. THOMAS,
and others known and unknown to the Grand Jury,

did knowingly and willfully conspire and agree to commit an offense against the United States, that is, the defendants having devised a scheme or artifice to defraud the United States Army, did, for the purpose of executing the scheme or artifice to defraud, place, or cause to be sent or delivered by private or commercial interstate carrier matters and things, i.e. Ronald A. Ausberry devised a scheme or artifice to defraud by which Defendants Ronald Ausberry, Brown, Carty, John Cooper, Michael Harper, Hernandez, Kishun, Stamm and Thomas, would steal insulin and insulin strips from the United States Army and then mail, by private or commercial carrier in interstate commerce the stolen items to Defendant Ausberry and a co-conspirator in Arizona. Defendant Ausberry and the Arizona co-conspirator would then mail, by private or commercial interstate carrier, the stolen items to individuals in the State of Florida and elsewhere.

MANNER AND MEANS OF THE CONSPIRACY

17. Ronald A. Ausberry, devised a scheme to defraud the United States by recruiting members of the United States Army to steal insulin and insulin test strips from military post pharmacies and to cause said stolen items to be shipped by private or commercial interstate carrier to Defendant Ausberry and Defendant Ausberry would then sell said stolen items and ship, via private or commercial interstate carrier, the pharmaceuticals to individuals in the State of Florida and

elsewhere.

18. As part of the conspiracy Defendant Ausberry recruited defendants Brown, Carty, John W. Cooper, Harper, Hernandez, Kishun, Stamm and Thomas and others both known and unknown, to steal insulin and insulin test strips from military post pharmacies and then these same defendants would mail, by private or commercial interstate carrier, the stolen items, from their respective military post to Ronald A. Ausberry, at Ft. Riley, Kansas.

19. At some point in time during late 2002 or early 2003, Defendant Ausberry recruited a co-conspirator in Tucson, Arizona, to accept delivery of the aforescribed stolen items and this co-conspirator agreed to repackage and mail, by private or commercial interstate carrier, the stolen insulin and insulin test strips, to individuals in the State of Florida and elsewhere, as well as to make monetary payments to the members of the conspiracy.

OVERT ACTS

20. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the District of Kansas and elsewhere.

a. During 2002, the exact dates being unknown to the Grand Jury, while stationed at Ft. Riley, Kansas, Defendant Ausberry recruited Defendants Antoine

Brown, Stephan Carty, John Cooper, Michael Harper, Eric Hernandez, Hazra Kishun, and Wakam Stamm, and others into a scheme by which said defendants would steal insulin and insulin strips from the military post pharmacies to which said defendants were assigned and then mail said stolen merchandise to Defendant Ausberry via private or commercial interstate carrier.

b. Defendant Ausberry would then mail the stolen merchandise via private or commercial interstate carrier from Ft. Riley, Kansas, to individuals in the State of Florida and elsewhere.

c. In the fall of 2002 Defendant Ausberry recruited a person in Arizona to participate in the scheme to defraud the United States and this person agreed to accept delivery, via private or commercial interstate carrier, of insulin and insulin test strips from the above identified individuals and to then mail the insulin and insulin test strips, via private or commercial interstate carrier, to individuals in the State of Florida and elsewhere.

d. During 2003 Defendants, Stephan Carty, John Cooper, Michael Harper, Eric Hernandez, Hazra Kishun, and Wakam Stamm continued to steal insulin and insulin strips from military post pharmacies and mail, via private or commercial carrier, the stolen insulin and insulin test strips to the Arizona co-conspirator, who would then mail said items via private or commercial interstate carrier to

individuals in Florida and elsewhere.

e. During 2003, Donna Cooper knowingly and willfully joined the conspiracy by personally packaging and mailing stolen insulin and insulin test strips from Ft. Knox, Kentucky, the co-conspirator in Tucson, Arizona.

f. Sabrina Ausberry, knowingly and willfully joined the conspiracy in 2003. Sabrina Ausberry agreed to allow the co-conspirator in Tucson, Arizona, to deposit money from the sale of the stolen insulin and insulin test strips into her personal bank account. This money was then used for the personal benefit of Sabrina Ausberry and Ronald Ausberry.

In violation to Title 18, United States Code, §§371 and 1341.

COUNT THREE
FORFEITURE

RONALD A. AUSBERRY, SABRINA AUSBERRY,
ANTOINE BROWN, STEFAN A. CARTY, JOHN W. COOPER,
DONNA COOPER, MICHAEL HARPER, ERIC A. HERNANDEZ,
HAZRA KISHUN, WAKAM A. STAMM, MAX H. THOMAS,

21. As a result of committing one or more of the foregoing offenses alleged in Counts One and Two of this Indictment, defendants Ronald A. Ausberry, Sabrina Ausberry, Antoine Brown, Stefan A. Carty, John W. Cooper, Donna Cooper, Michael Harper, Eric A. Hernandez, Hazra Kishun, Wakam A. Stamm, and Max H. Thomas, shall forfeit to the United States, pursuant to Title 18, United

States Code, § 981(a)(1)(C) and Title 28, United States Code, § 2461, any property constituting or derived from proceeds obtained directly or indirectly as a result of the conspiracy to commit mail fraud offense and the conspiracy to transport stolen property in interstate commerce including but not limited to the following:

a. Money judgment ;

(1) A money judgment of \$2,334,000.00 in United States currency, representing the amount of proceeds obtained as a result of the offenses described above and for which the defendants are jointly and severally liable.

b. Real Estate;

(1) All that lot and parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements located at 1251 Indian Court, Petersburg, Virginia, more particularly described as:

- a. All that certain lot or parcel of land, with the improvements thereon and appurtenances thereto, belonging, lying, being and situate in Templeton District, Prince George County, Virginia, containing 5.005 acres, more or less, and fronting on the southeast side of Indian Court and running back therefrom in a southeasterly direction, being known, numbered, and designated as Parcel No. 16 Indian Woods, Section Two on the plat entitled “Indian Woods, Section Two, Templeton District, Prince George County, Virginia”, dated March 31, 2000, made by Timmons, Engineers, Surveyors, and Landscape Architects, a copy of which is recorded in the

Clerk's Office of the Circuit court of Prince George County, Virginia in Plat Book 22, pages 81, 82, and 83, to which plat reference is hereby made for a more particular description of the property.

Being the same property conveyed to Noblin Custom Homes, LLC, a Virginia limited liability company, by deed from H & F Properties, Inc., a Virginia corporation, dated September 11, 2002 and recorded October 9, 2002 in the Clerk's Office of the Circuit Court of Prince George County, Virginia as Instrument No. 020005402;

- b. All that certain piece or parcel of land lying, being and situate in Darvills District, Dinwiddie County, Virginia, together with all improvements and appurtenances thereto belonging, containing 55.7 acres, as shown on "Map Showing a Part of the Land of Gladys Wynn", made by W.G. Chappell, C.L.S., November, 1971, which map is recorded in the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia in Deed Book 153, page 339, to which reference is hereby made for a more particular description of the property.

TOGETHER with a perpetual easement of ingress and egress from Route 40 over and across the land now or formerly belonging to Gladys Wynn to the subject 55.7 acres, which easement shall run across the lands in the vicinity of the metal tower erected thereon along the existing dirt road which runs from Route 40 and presently serves the back land and in particular the subject 55.7 acres, as recorded in the aforesaid Clerk's Office in Deed Book 569, page 137.

In violation of Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461.

A TRUE BILL

DATE

FOREMAN OF THE GRAND JURY

Eric F. Melgren
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(316) 269-6481
Ks. S.Ct. No. 12430

(It is requested that trial be held in Wichita, Kansas.)

Returned in open Court this _____day of June, 2004.

UNITED STATES DISTRICT JUDGE